

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ORDER

On August 20, 2009, the Magistrate Judge issued a Report and Recommendation (Docket No. 9), to which no timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, it is hereby **ORDERED** that the Defendant's Motion to Dismiss (Docket No. 5) is **GRANTED**, and this case is **DISMISSED** for lack of jurisdiction and for failure to exhaust administrative remedies.

It is so ORDERED.

Enter this 28th day of September 2009.


Aleta A. Trauger
U.S. District Judge